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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,067	03/31/2004	Kenneth Lawrence Young	MSFT-3486/307557.01	7859

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EXAMINER

BELOUSOV, ANDREY

ART UNIT	PAPER NUMBER
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2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/815,067

Applicant(s)

YOUNG ET AL.

Examiner

Andrew Belousov

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the original filing of March 31, 2004. Claims 1-28 are pending and have been considered below.

Claim Objections

1. Claim 5 is objected to because of the following informalities: Claim 5 recites the limitation "the objects," in plural, in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 14 and 18 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a canvas apparatus, does not reasonably provide enablement for using a single definition for creating a number of objects. The apparatus in this claim consists of a single mean: "using a single definition for creating a number of objects", and thus is interpreted as a single means/single step claim under MPEP 2164.08(a).

"A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218

Art Unit: 2109

USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor."

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Adobe Photoshop 6.0, (Adobe® Photoshop® 6.0, as evidenced by extrinsic evidence: Adobe® Photoshop® 6.0 Studio Techniques by Adobe Press (June 15,2001), and Adobe® Photoshop® 6.0 Classrooms in a Book® by Adobe Press (December 28, 2000).)

Claim 1, 23: Adobe discloses a method and a system of generating a grid canvas, comprising:

Art Unit: 2109

- a. defining a grid (black & white checkerboard: Fig. 3.11);
- a. defining an object on the grid (green triangle Fig. 3.11);
- b. defining a plurality of rows and columns on the grid (Fig. 3.11); and
- c. placing the object on the grid (Fig. 3.11.)

Claim 2: Adobe discloses a method according to claim 1, wherein defining the grid comprises specifying a virtual grid of row and column gridlines (Fig. 3.11.)

Claim 3, 24: Adobe discloses the method and system according to claim 1 and 23, respectively, wherein defining the object comprises defining at least one attribute or property for the object (Fig. 3.12: Opacity.)

Claim 4, 25: Adobe discloses the method and system according to claim 1 and 23, respectively, wherein the step of defining an object is repeated for a plurality of objects to be placed on the grid (Fig. 3.12, 3.13: square, circle.)

Claim 5, 26: Adobe discloses the method and system according to claim 1 and 23, respectively, wherein placing the object on the grid comprises placing the objects in a gridline bounding box (gridline bounding box: Fig. 3.11; window encompassing the grid and triangle.)

Art Unit: 2109

Claim 6: Adobe discloses the method according to claim 5, wherein the gridline bounding box comprises a plurality of rows and columns that contain the object (Fig. 3.11: rows columns: checkerboard, object: triangle.)

Claim 7: Adobe discloses the method according to claim 1, wherein defining the grid comprises generating a plurality of virtual cells (white / black squares: Fig. 3.11.)

Claim 8, 27: Adobe discloses the method and system according to claim 7 and 23, respectively, wherein placing the object on the grid comprises placing the object so that the object spans a plurality of virtual cells (Fig. 3.11.)

Claim 9, 28: Adobe discloses the method and system according to claim 1 and 23, respectively, further comprising placing a second object on the grid, the grid comprising a plurality of virtual cells, wherein the object and the second object inhabit at least one of the same cells of the plurality of virtual cells (Fig. 3.13: circle.)

Claim 10: Adobe discloses a method of creating a grid canvas layout, comprising:

- a. placing an object on a display (Fig. 3.13, triangle);
- b. determining a gridline bounding box for the object (Fig. 3.13: window encompassing the checkerboard); and
- c. implementing a plurality of attributes for the object (attributes: visibility, whether it's modifiable, opacity and layer type: Fig. 3.12.)

Claim 11: Adobe discloses the method according to claim 10, wherein implementing the plurality of attributes comprises setting margins, height, and width for the object (Paragraph above Fig. 3.27; Fig. 2.88: scale (changing width, height and margins.))

Claim 12: Adobe discloses the method according to claim 10, further comprising determining the plurality of attributes prior to implementing the plurality of attributes. Examiner notes that a determination of the attributes is inherent prior to implementation of the same.

Claim 13: Adobe discloses the method according to claim 12, wherein determining the plurality of attributes comprises comparing the extent of the gridline bounding box with a desired position to determine margins, height, and width for the object (determine (settle or establish), by comparing the extent (Width x Height) of the gridline bounding box (window) with a desired position (x,y) to determine (settle or establish by computer means) margins (distance between the bounding box (window) and the object,) width and height. Fig. 3.11.)

Claim 14, 18: Adobe discloses a grid canvas layout and a display device having rendered thereon a grid canvas layout, comprising a canvas on which an object may be drawn, the canvas comprising rows and columns that are sizable, the rows and columns

Art Unit: 2109

defining virtual cells that contain the object (grid: "Using a Grid", page 1; object a pear image, page 2. Classroom in a book®)

Claim 15, 19: Adobe discloses grid canvas layout according to claim 14 and 18, respectively, further comprising virtual gridlines that act as a coordinate system (acts as a Cartesian coordinate system, page 2, Classroom in a book®.)

Claim 16, 20: Adobe discloses grid canvas layout according to claim 14 and 18, respectively, further comprising a grid bounding box for the object (grid bounding box: Fig. 3.11; window encompassing the grid and triangle.)

Claim 17, 21: Adobe discloses grid canvas layout according to claim 16 and 20, respectively further comprising margin settings within the grid bounding box for providing desired offsets to the object (expand, contract, feather, by means of selection tool (margin settings) to provide for expanding, contracting and grow (offsets to objects) Fig. 2.69, 2.70.)

Claim 22: Adobe discloses the grid canvas layout according to claim 18, wherein a second object may be drawn on the grid canvas layout, wherein the object and the second object inhabit at least one of the same virtual cells (Fig. 3.13: circle.)

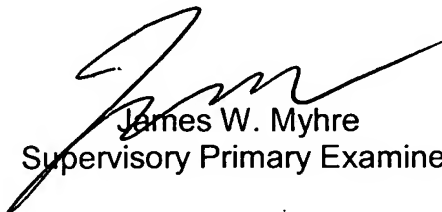
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB
Feb 15, 2006


James W. Myhre
Supervisory Primary Examiner

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/10/2006, 3/30/2006, 3/18/2005, 3/31/2004.